

### **REMARKS**

The present amendment is in response to the Official Action dated April 29, 2009, where the Examiner continues to reject claims 1-24. More specifically, the Examiner has rejected claims 1-4, 6, 12-17, 22 and 24, under 35 USC §103(a) as being unpatentable over Chaskar, US Patent Application Publication No. 2004/0224702, in view of the background section of the present application, as well as newly cited Milman, US Patent Application Publication No. 2004/0014479; and rejected claims 5, 7-11, 18-21 and 23, under 35 USC §103(a) as being unpatentable over Chaskar, '702, the background section of the present application, and Milman, '479, further in view of Chan et al., US Patent Application Publication No. 2004/0203638.

Presumably, the previous response was persuasive, as the Examiner has relied upon a new rejection in response to the applicants pre-appeal review request. Correspondingly, the Examiner's response to argument section appears to be misplaced in so far as it responds with a new argument which was not previously considered by the applicant, and therefore applicant's prior comments are not directly relevant to the newly raised rejection.

However in reviewing the newly relied upon combination of references in light of the claims as presently pending, the references being currently relied upon by the Examiner fail to make known or obvious each and every feature of the claims. Clarifying amendments have been introduced to more clearly distinguish the claims, where the Examiner is attempting to equate features with terms in the claims, which are believed to be different. In order to accentuate those differences, redundant terms have been introduced to further highlight the distinctions, or to clarify applicants' use of the terms. For example peer to peer has been used to highlight the previous claim term referring to a direct communication connection. The applicants have further clarified that service provider as used in at least the portion of the claims corresponding to establishing a communication connection refers to a device being used by the service provider.

There is no direct communication via a second communication connection, via a peer-to-peer type communication between devices that is taught or suggested by Milman, '479, the secondary reference being relied upon for such a feature. The feature is similarly absent from the other references forming the remainder of the rejection.

More specifically, the combination of references continue to fail to make known or obvious at least a second communication connection, the second communication connection being a direct peer-to-peer communication connection between the user communication device

and a communication device of the service provider, as provided in independent claim 1; communicating service transaction data directly with the service provider device, which is dispatched to a location of the user responsive to the service request and the location information, via the second communication connection, which is a direct peer-to-peer communication connection between the user communication device and the service provider device, upon rendering of the requested service, as provided in independent claim 13; and means for directly communicating service transaction data via a direct peer-to-peer communication connection with a communication device of a service provider dispatched to a location of the user responsive to the service request and the location information thereby completing a service transaction upon rendering of the service by the service provider, as provided in independent claim 24.

While, Milman, '479, may describe a main server computer, a technician using a hand-held wireless unit, and a customer accessible via e-mail or telephone, there is no direct peer-to-peer communication between the hand-held wireless unit of the technician and the customer. The hand-held wireless unit appears to exclusively communicate in wireless fashion with the main server computer (see for example FIG. 1, and lines 28-32 of paragraph [0014]).

To the extent that claims 2-12 and 14-23 depend upon, either directly or indirectly, independent claims 1 and 13, the dependent claims would similarly be allowable for the same reasons, as the further reference Chan et al., '638, fails to account for the above noted deficiencies.

In view of the present response, the applicant would respectfully request that the Examiner reexamine and similarly reconsider the claims. In absence of a properly presented rejection, allowance of the application is respectfully requested.

Respectfully submitted,

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